

CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
BOARD OF PHARMACY

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: DPR.DELAWARE.GOV
EMAIL: customerservice.dpr@state.de.us



PUBLIC MEETING NOTICE:	BOARD OF PHARMACY
DATE AND TIME:	Wednesday, March 18, 2015 9:30 am
PLACE:	Conference Room A, 2 nd Floor Cannon Building 861 Silver Lake Blvd., Dover, DE 19904
APPROVED:	April 15, 2015

MEMBERS PRESENT

Kenneth Sellers, Public Member, President
Susan Esposito, R.Ph., Professional Member, Vice President
Joli Martini, R.Ph., Professional Member
Kimberly Robbins, R.Ph., Professional Member
Bonnie Wallner, R.Ph., Professional Member
Julia Wheatley, Public Member
Jay Galloway, Public Member

MEMBERS ABSENT

Hooshang Shanehsaz, R.Ph., Professional Member, attending FDA meeting
Tejal Patel, PharmD, Professional Member, attending NABP meeting

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Eileen Kelly, Deputy Attorney General
Christine Mast, Administrative Specialist III

ALSO PRESENT

Lucy Somer
Arij Simmons
Christine Culik
Phil Anderson
Zachary Green
Craig Clarke
Nancy Sawyer
Christine Ly
Tanya Callahan
Jason Jaszemski
Jaime Frink
Bill Harbester
Lauren Ruf
Tiffany Sorey
Lisa Schieffert
Kevin Morgan
Cheyl Heik

CALL TO ORDER

Mr. Sellers called the meeting to order at 9:36 a.m.

REVIEW OF MINUTES

A motion was made by Ms. Wallner and seconded by Ms. Esposito, to approve the meeting minutes for February 18, 2015 as amended. The motion unanimously carried.

PRESIDENT'S REPORT

Mr. Sellers made the Board aware that Mr. David Dryden and Hooshang Shanehsaz were attending an FDA meeting. Ms. Tejal Patel and Michelle McCreary were attending a meeting at the National Boards of Pharmacy. He had nothing further to report.

UNFINISHED BUSINESS

Complaint Status

13-09-11 – Assigned to Hearing Officer
13-12-11 – Assigned to Hearing Officer
13-19-11 – Forwarded to Office of Attorney General
13-01-13 – Forwarded to Office of Attorney General
13-04-13 – Forwarded to Office of Attorney General
13-05-13 – Forwarded to Office of Attorney General
13-06-13 – Forwarded to Office of Attorney General
13-20-13 – Forwarded to Office of Attorney General
13-26-13 – Assigned to Hearing Officer
13-01-14 – Forwarded to Office of Attorney General
13-03-14 – Assigned
13-04-14 – Assigned
13-05-14 – Assigned
13-06-14 – Forwarded to Office of Attorney General
13-07-14 – Forwarded to Office of Attorney General
13-08-14 – Assigned
13-09-14 – Forwarded to Office of Attorney General
13-10-14 – Forwarded to Office of Attorney General
13-11-14 – Forwarded to Office of Attorney General
13-12-14 – Forwarded to Office of Attorney General
13-13-14 – Assigned
13-14-14 – Forwarded to Office of Attorney General
13-15-14 – Assigned
13-16-14 – Assigned
13-17-14 – Assigned

Re-Review of Proposal to Deny

None

Proposal to Deny Hearing

None

Re-Review of Tabled Applications

None

Consent Agreement Report

None

Statutory and Regulatory Discussion

A motion was made by Ms. Wheatley seconded by Ms. Esposito to table 4.6.1, 4.6.3, 4.6.5 through 4.6.7 until April's meeting. The motion carried.

- Practitioner/Pharmacy Ownership (4.6.1), tabled will be discussed during the April meeting.
- DEA Federal Disposal Rules, nothing reported.

- Provision for Disciplinary Action (4.6.3), tabled will be discussed during the April meeting.
- Pharmacy Technician Regulation – Mr. Sellers presented the Board with draft meeting minutes from the committee. The minutes were read by the members. Ms. Robbins expressed concern regarding delivery drivers and if they would be included in the required criminal background check. Phil Anderson, Walgreens stated that there is a Federal Law that already exists regarding all personnel who have access to the pharmacy are required to have a criminal background check completed. Mr. Anderson was asked by the board if he could provide information on the federal law. Ms. Kelly stated that the state statute would still need to be updated to reflect this requirement. Mr. Sellers asked that the committee hold a meeting on April 15, 2015 at 9:00 am to approve the meeting minutes presented during the board meeting today.
- Clarification of §2512(e)(f) (4.6.5), Inactive Status, tabled will be discussed during the April meeting.
- Legality of Pharmacies Providing Kickbacks to Prescribers in Exchange for Referrals (4.6.6), tabled will be discussed during the April meeting.
- Review of Crimes Listing (4.6.7), tabled will be discussed during the April meeting.

Remote Pharmacy Operations Discussion

Ms. Esposito provided further information regarding remote pharmacy operations and her concerns. Regulatory and or statutory changes would have to occur to accommodate remote operation. Current regulation states that there must be a pharmacist on duty during operational hours. Therefore, this type of pharmacy practice could not be utilized until such regulatory and/or statutory changes are made. The basis of remote technology is to have a pharmacist responsible for multiple locations pharmacy technicians via video technology to review preparations. The technician would prepare the prescription and the pharmacist would review and approve the prescription through video technology. New technology is welcomed but not at the expense of public safety. Currently, most hospitals in the state have a pharmacist on duty 24 hours per day. States mentioned who are currently using this technology are vastly greater in size geographically than Delaware. Ms. Esposito stated that research into new technology and how it can be accommodated should be discussed. Ms. Wallner expressed that geographically this option would benefit business but not necessarily public safety. Ms. Kelly spoke about tele-practice on other boards and how they are utilized. That these tele-practice services are utilized in underserved areas. An example she provided was specific practitioners (speech therapy) in areas that are not provided service. Due to lack of the specialty practitioner needed. She expressed however, that these types of services are more evaluation or educational services, not prescribing medications.

A motion was made by Ms. Esposito seconded by Ms. Wallner to remove this discussion item from the agenda. The motion carried unanimously.

NEW BUSINESS

Mr. Sellers read into the record the following ratifications:

Pharmacist and Intern Licensure Approval Ratifications

Pharmacist:	A1-0004724	Paulette Rhoden
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A motion was made by Ms. Martini and seconded by Mr. Galloway to approve the ratification of the Pharmacist applications. The motion unanimously carried.

Pharmacist Intern:	A7-0002385	Christian Y.S. Cho
	A7-0002386	Mandee Maria Noval

A motion was made by Ms. Martini and seconded by Mr. Galloway to approve the ratification of the Pharmacist Intern applications. The motion unanimously carried.

Non-Resident Pharmacy Licensure Approval Ratifications

A9-0001593	Sterile Compounding Pharmacy, LLC (sterile compounding)
A9-0001594	Stoney Creek Pharmacy, Inc.
A9-0001595	RxPlus Pharmacy

A9-0001596 Jungle Jim's Pharmacy(sterile compounding)
A9-0001597 Genesee Pharmacy, LLC
A9-0001598 Haoeyou Pharmacy
A9-0001599 Northern Rx LLC
A9-0001600 Agevital Pharmacy, LLC
A9-0001601 Genoa, a QoL Healthcare Company, LLC
A9-0001602 Doctors Foster and Smith Pharmacy

A motion was made by Ms. Esposito and seconded by Ms. Robbins to approve the ratification of the Non-Resident Pharmacy applications. The motion unanimously carried.

Wholesale Distributor Licensure Approval Ratifications

A4-0001346 Midwest Veterinary Supply, Inc.
A4-0002170 Haemonetics Corporation
A4-0002172 Genco I, Inc.
A4-0002173 Genco I, Inc
A4-0002174 AirGas Merchant Gases, LLC
A4-0002175 Argon Medical Devices
A4-0002176 Perrigo Pharmaceuticals Company
A4-0002177 Perrigo Pharmaceuticals Company
A4-0002178 Incyte Corporation

A motion was made by Ms. Esposito and seconded by Ms. Robbins to approve the ratification of the Wholesale Distributor applications. The motion unanimously carried.

Medical Gas Dispensers

A2-0000119 Murphy Homecare, Inc.
A2-0000120 American Homepatient, Inc.

A motion was made by Ms. Esposito and seconded by Ms. Robbins to approve the ratification of the Medical Gas Dispensers applications. The motion unanimously carried.

Retail Pharmacy Licensure Approval Ratification

None

Retail Pharmacy Temporary Licensure Approval Ratification

None

Outsourcing Facility

None

Pharmacist-In-Charge Interviews

A motion to amend the agenda was made by Mr. Galloway seconded by Ms. Wheatley to add the following PIC interviewees:

Christine Culik, Walgreens Four Seasons Newark, De
Taryn Callahan, Walgreens Smyrna, DE
The motion carried unanimously.

Ms. Robbins conducted a PIC interviews with:
Jason D. Jaszemski, ShopRite Pharmacy #588 Bear, DE
Christine Culik, Walgreens Four Seasons Newark, De
Taryn Callahan, Walgreens Smyrna, DE

Consultant Pharmacist Interviews

None

Review of Applications by DAG

Pharmacy Board DAG Eileen Kelly provided guidance on the following disciplinary actions for applications received followed by the Board ruling:

Facility: Cystic Fibrosis Services, a motion was made by Ms. Wallner and seconded by Mr. Galloway to approve the application, Ms. Martini and Mr. Shanehsaz opposed. The motion carried.

Pharmacist: Jerry Bliss, a motion was made by Ms. Martini seconded by Ms. Esposito, to approve the application. The motion unanimously carried.

Review of Hearing Officer Recommendation

None

Review of CE Received

None

COMMITTEE REPORTS

Legislative – Joli Martini, Jay Galloway, Kim Robbins, Tejal Patel and David Dryden

No Report

Continuing Education – Joli Martini, Bonnie Wallner, Tejal Patel and David Dryden:

No Report

Consumer Affairs – Ken Sellers, Jay Galloway and Julia Wheatley

No Report

Professional Liaisons – Kim Robbins and Tejal Patel:

Ms. Robbins reported that Delaware Pharmacists Society (DPS) had a meeting last evening. Mr. Bill Harbester attended the meeting and reported the details of the meeting.

Controlled Substance Liaisons – Kenneth Sellers, Tejal Patel, Jay Galloway and David Dryden:

No Report

Prescription Safety Committee – Michelle McCreary (Chair), Kenneth Sellers, Tejal Patel, Kimberly Robbins, Susan Esposito, Joli Martini, Hooshang Shanehsaz

No Report

COMMITTEE UPDATES REGARDING PROPOSED REGULATIONS

USP 795 & 797 Committee – Tejal Patel, Brenda Pavlic, Hooshang Shanehsaz, Calvin Freedman and David Dryden:

No Report

Pharmacy Technician Licensure Committee – Kim Robbins, Tejal Patel, Kevin Musto, Maryanne Holzapfel, Anne Pyle, Susan Esposito and David Dryden:

There will be a meeting on April 15, 2015 at 9:00 am to approve meeting minutes.

Collaborative Care Committee – Bonnie Wallner, Cheri Briggs, Cheryl Heiks, Drew Wilson, Deborah Hamilton, Joli Martini, Julie Miro-Wenger, Mark Thompson, Mike Perza, Nick Biasotto, Pooja Dogra, Tejal Patel, Terri Corbo, William Harbester, David Dryden:

No Report

BOARD CORRESPONDENCE

Mr. Dryden provided the following handouts for the Board to review:

CBS News – Insurance Billed \$18k for Unwanted Pain Meds. The Board reviewed this handout and asked that this remain on the agenda. Ms. Mast will consult with the Investigative supervisor to see if any possible action might be taken against this pharmacy which is a Delaware licensee. Ms. Mast will report back to the Board at the next scheduled meeting.

NABP - Red Flag Warning Signs to Prescribing & Dispensing Controlled Substances

EXECUTIVE SECRETARY, INSPECTION & PMP REPORT - David Dryden, Michelle McCreary, Samantha Nettesheim

No Report

NEWSLETTER UPDATES

No Report

OTHER BUSINESS BEFORE THE BOARD

Ms. Mast provided the Board an updated application for “Reinstatement of Licensure after Disciplinary action” for informational purposes. Pharmacist licensure has no provision for Reinstatement of licensure. Just reapply once lapsed. Only in the case of disciplinary action can a license be reinstated.

PUBLIC COMMENT

None

NEXT SCHEDULED MEETING

The next meeting is scheduled for April 15, 2015 at 9:30 Am., Conference Room A 2nd floor.

ADJOURNMENT

There being no other business before the Board a motion to adjourn the meeting was made by Ms. Martini, seconded by Ms. Robbins at 12:17 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mast", written in a cursive style.

Christine Mast
Administrative Specialist III
Liaison, Board of Pharmacy